



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,724	02/29/2000	Geoffrey H. Gill	03188-P0001A	1108

7590

09/24/2003

Gene S Winter
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905-5619

EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/515,724

Applicant(s)

GILL ET AL.

Examiner

Debra F. Charles

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

DETAILED ACTION

Drawings

1. In response to the attorney's 22 July 2003 communication indicating drawings sent in 29 February 2000 and not 5 April 2002, the examiner is enclosing a copy of the materials received by this office 5 April 2002. The examiner now recognizes the drawings may have been sent by the attorney's office in error and the examiner is requesting clarification from the attorney.

Response to Amendment

2. The Abstract has been amended. Claims 1,9 and 17 have been amended.

Response to Arguments

3. Applicant's arguments filed 22 July 2003 have been fully considered but they are not persuasive. The examiner has addressed the attorney's concerns by adding Wong et al. to the references and highlighting the relevant areas in this reference below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan (U.S. PAT. 6327578 B1), Johnson (U.S. PAT. 659885 B1) and Wong et al. (U.S. PAT. 5913203A).

Re claims 1 and 9: Linehan disclose a system for purchasing goods and services over the Internet comprising:

a communications system; a customer computer linked to said communications system; an issuer computer linked to said communications system; a merchant computer linked to said communications system; a financial institution computer linked to said communications system (Linehan, Abstract, col. 4, lines 10-15, lines 65-67, col. 5, lines 50-67, i.e. "consumer's computer a start message over an internet network to a merchant's computer", "the communication among the consumer wallet, issuer gateway

Art Unit: 3628

and merchant can be protected via the secure socket layer protocol”, and “the issuing bank over a private network”, col. 8, lines 20-25 and Fig. 2A-6, 8, and claim 1), and a money code (claim 1, i.e. “initiation message including payment amount”),

said issuer computer for receiving said money code(claim 1, i.e. “initiation message including payment amount”) and a money amount from a customer, assigning an associated money value to said money code based on said money amount received from the customer, and transmitting said money code and associated money value to said financial institution computer over said communications system (Table 1 in col. 11, col. 13, lines 60-67 and col. 14, lines 1-15, claim 1, i.e. “issuing bank creating a reference number or value representing the consumer’s credit or debit card number”);

said financial institution computer for receiving said money code and associated money value transmitted by said issuer computer and storing said money code and associated money value(claim 1 and col. 4, lines 45-57, i.e. “acquiring bank will settle accounts with the issuing bank over a private network”, col. 6, lines 15-35 i.e. “preparing table of credit card or debit card numbers and a corresponding table of reference numbers”);

Art Unit: 3628

said customer computer for transmitting an order and said money code to said merchant computer over said communications system(claim 1,i.e."sending from the consumer's computer consumer identity and authentication information");

said merchant computer for receiving said order and money code from said customer computer, determining a money amount due for said order, and transferring said money code and money amount due to said financial institution computer over said communications system(col. 5, lines 55-67, i.e. "the merchant's computer replies to consumer's computer", and col. 6, lines 35-40, and 45-67, i.e. "once the merchant has received the authorization token from the issuer"), and,

said financial institution computer for receiving said money code and money amount due from said merchant computer, comparing said money amount due to said associated money value, and notifying said merchant computer of fund availability(col. 6, lines 45-67, i.e. "once the merchant has received the authorization token from the issuer gateway, the merchant completes the sales transaction").

As applied to claims 1 and 9: Linehan does not explicitly disclose that software executing on various computers. However, Linehan does indicate browser in col. 1, lines 43-46 and since computers can not operate without software and it would have

Art Unit: 3628

been obvious to one of ordinary skill in the art to employ software applications on a computer to get the benefit of the four-party communications payment system. Linehan does not explicitly disclose(s) conducting transactions anonymously or said money code containing no identification data related to a customer and being untraceable to said customer. However, in col. 23, lines 5-50 thereof, Johnson disclose(s) that the use of directory software in the manner detailed herein is advantageous, as it allows complex transactions to be consummated in an anonymous yet secure fashion. And in anonymous mode, parties may be identified only by their ID. Further, Wong et al. disclose in col. 6, lines 45-60, the user selects the level of anonymity and traceability desired. It would be obvious to one of ordinary skill in the art to modify the invention of Linehan based on the teachings of Johnson and Wong et al. The motivation to combine these references is both references enable the selection of anonymous, untraceable transaction to conduct transactions anonymously ensuring the consumer's identity remains confidential.

Re claims 2, 10 and 17: Linehan disclose customer computer for generating said money code (col. 4, lines 15-25, i.e. "consumer's computer then sends over the internet network some consumer identity and authentication information" and col. 5, lines 50-67, i.e. "step of sending from a consumer's computer a start message"),

Art Unit: 3628

assigning an associated money value to a money code corresponding to a money amount surrendered to an issuer by a customer (Table 1 in col. 11, col. 13, lines 60-67 and col. 14, lines 1-15, claim 1, i.e. "issuing bank creating a reference number or value representing the consumer's credit or debit card number"),

inputting said money code and associated money value into said issuer computer (col. 4, lines 10-20, "initiation message includes payment amount");

transmitting said money code and associated money value from said issuer computer to a financial institution computer over a communications system (col. 6, lines 50-65, i.e. "sending a settlement message"),

transmitting an order and said money code from a customer computer to said merchant computer over said communication system (col. 4, lines 10-20, i.e. "sending from a customer's computer a start message over an internet network to a merchant's computer"),

Art Unit: 3628

transmitting said money code and a money amount due from said merchant computer to said financial institution computer over said communications system(col. 6, lines 50-65, i.e. "sending a settlement message"),

verifying fund availability by comparing said money amount due to said associated money value on said financial institution computer(col. 6, lines 10-16, i.e. "verifies that the consumer's account is active and has sufficient funds").

Linehan does not explicitly disclose(s) that storing said money code on a storage device or said money code containing no identification data related to a customer and being untraceable to said customer. However, in col. 6, lines 45-60, col. 7, lines 55-63 thereof, Wong et al. disclose(s) the user selects the level of anonymity and traceability desired and that once the pseudo cash unit is generated, a record generation means generates an active record associated with the pseudo cash unit and the fixed monetary value and stores the active record in records storage medium, which is preferably some type of electronic data storage device. It would be obvious to one of ordinary skill in the art to modify the invention of Linehan based on the teachings of Wong et al. The motivation to combine these references is to enable the selection of anonymous, untraceable transaction to conduct transactions anonymously ensuring the consumer's identity remains confidential, and to use a storage device to store codes to ensure codes are available when needed.

Re claims 3 and 11: Linehan disclose generating a personal identification code to be associated with said money code for controlling access and use of said money code(col. 2, lines 45-50, i.e. "password", col. 4, lines 15-25, i.e. "consumer identity and authentication information" and col. 7, lines 55-67, "the user's identification and authentication information and the merchant's initiation message" and claim 1, i.e. "consumer identity and authentication information").

Re claims 7 and 15: Linehan disclose communications system comprises the Internet(col. 5, lines 55-60).

Re claims 8 and 16: Linehan disclose merchant computer for operating and maintaining an Internet website, accessible by the customer, for facilitating commercial transactions between the customer and a merchant(col. 2, lines 40-45, i.e. "Web server").

Re claims 4 and 12: Linehan does not explicitly disclose(s) that encrypting said money code. However, in col. 2, lines 35-67 thereof, Wong et al. disclose(s) that the "Digicash" or "ecash" system turns a user's or buyer's hard drive on a PC into a purse. To use this system, one first establishes an account with a bank. To obtain digicash or

Art Unit: 3628

ecash, the user creates a series of numbers that will represent a mixture of coins or money bills in various denominations according to the user's own wishes. This request for digicash is then sent to the bank, which deducts the total amount requested from the user's existing valid account. The bank then sends the user an equivalent amount of ecash as an encrypted email message containing a series of numbers. Each number corresponds to a specified amount of money. Thus, it would have been within the level of ordinary skill in the art to encrypt a code to ensure anonymity in the transaction.

Re claims 5 and 13: Linehan disclose customer computer for requesting said personal identification code from the customer, retrieving said money code from said storage device(col. 4, lines 10-25, i.e. "consumer's computer starts message from digital wallet" and lines 30-35, col. 7, lines 55-67, i.e. "the merchant sends to the customer computer, the wallet initiation message" and "then in step 306, the consumer's wallet is started"), and said money code based on said personal identification code prior to transmitting said money code to said merchant computer(col. 5, lines 55-60, i.e. "sending from a consumer's computer a start message over an internet network to a merchant's computer").

Linehan does not explicitly disclose decrypting an item after it reaches its destination. However, this is well-known in the computer art. Thus, it would have been obvious to one of ordinary skill in the art to employ decryption to unencrypt a code or message

Art Unit: 3628

when it reaches the merchant to get the benefit of encryption in transit to preserve the anonymity of data in transit.

Re claims 6 and 14: Linehan disclose merchant computer for requesting said personal identification code from the customer upon receipt of said order and money code(col. 5, lines 55-67, i.e. "the merchant's computer replies to consumer's computer", and col. 6, lines 45-67, i.e. "once the merchant has received the authorization token from the issuer");

customer computer for requesting said personal identification code from the customer and transmitting said personal identification code to said merchant computer(claim 1,i.e."sending from the consumer's computer consumer identity and authentication information");

said merchant computer for receiving said personal identification code from the customer and transmitting said personal identification code in addition to the money code and money amount due to said financial institution computer over said communications system(col. 4, lines 10-25, i.e. "merchant sends a message, including reference value to acquirer gateway operating on behalf of an acquirer bank" and col. 6,

Art Unit: 3628

lines 45-67, i.e. "once the merchant has received the authorization token from the issuer gateway, the merchant completes the sales transaction"); and,

said financial institution computer for receiving said money code, money amount due, and personal identification code and decrypting said money code using said personal identification code prior to determining fund availability(col. 6, lines 45-67, i.e. "once the merchant has received the authorization token from the issuer gateway, the merchant completes the sales transaction", and col.6, lines 5-20, i.e. "verifies customer account is active and has sufficient funds and/or credit to support the payment amount.").

Linehan does not explicitly disclose that software executing on various computers.

However, Linehan does indicate browser in col. 1, lines 43-46 and since computers can not operate without software, it would have been obvious to one of ordinary skill in the art to employ software applications on a computer to get the benefit of the four-party communications payment system.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3628

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5771.


Art Unit: 3628

Debra F. Charles

Examiner

Art Unit 3628

dfc


HYUNG SOUH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600